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<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/202,838
	Filing Date	1/21/2001
	First Named Inventor	Verdaguer
	Group Art Unit	1631
	Examiner Name	S. Zhou
Total Number of Pages in This Submission	Attorney Docket Number	TSRI 504.1

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Emily Holmes
Signature	
Date	7/27/2001

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I hereby certify that this RESPONSE TO RESTRICTION REQUIREMENT and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date indicated below with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

*Ariel Fletcher*  
Ariel Fletcher

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#12  
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8/1/9

Applicant: Verdaguer, et al. )  
Serial No.: 09/202,838 ) Group Art Unit: 1631  
Filed: January 21, 2000 ) Examiner: S. Zhou  
Title: CASSAVA VEIN MOSAIC VIRUS )  
PROMOTERS AND USES THEREOF ) Our Ref.: TSRI 504.1

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This communication is in response to the Restriction Requirement mailed June 27, 2001 (Paper No. 11). The response is filed within the extension-free period thus making this response a timely filing.

The Examiner has indicated in the Action that pending claims 1-15 comprise four different groups of inventions for purposes of examination. The Examiner argues that the separate groups are required because the polynucleotide sequence claimed in Group I is not novel over a published GenBank sequence of the complete nucleotide sequence of Cassava vein mosaic virus (CaMV). Applicants respectfully traverse the Restriction Requirement and submit that the restriction on this basis is not proper as the invention claimed in Group I is novel, is generic in scope and provides the special technical feature linking the four described groups. Applicants further submit that the Examiner is incorrect

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in stating that the promoter sequence as presently generically claimed is not novel in view of the GenBank sequence. Applicants, however, defer any argument on the basis of novelty until an appropriate response to a PTO Action where statutory rejections to claims are made. For the present Action, Applicants contend that a more appropriate grouping of inventions is to define the claims as one group with a requirement to elect a species of CaMV promoter in the event that the generic claims are not held to be allowable.

However, in view of the present restriction by the Examiner and to be responsive to the present restriction, Applicants elect, with traverse, group I as it is currently defined that includes claims 1-9 having a CaMV promoter sequence as defined in claim 1.

The Examiner has also indicated that if one of groups I-IV is elected, Applicants are required to elect a species of a particular promoter sequence. In the event that the generic claim is not held to be allowable, Applicants elect the species of pA (SEQ ID NO 3).

Please enter the above-identified response to Restriction Requirement.

Respectfully submitted,

July 27, 2001  
Date

Emily Holmes  
Emily Holmes, Reg. No. 40,652

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